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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,309	12/03/2001	Takahiro Kawashima	PW 0277024 H7605US	7933

7590 01/07/2005

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EXAMINER

SAMS, MATTHEW C

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,309	Applicant(s) KAWASHIMA, TAKAHIRO	
	Examiner Matthew C. Sams	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/3/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed on 12/3/2001 has been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Suzuki (US-5,777,249).

Regarding claim 1, Suzuki teaches a tone generator system comprising a first storage for compressed waveform data. (Col. 2 lines 54-55) Suzuki teaches a first decoder that responds to tone color changing instruction data included in musical composition data to be reproduced by reading out from the first storage, a compressed waveform data corresponding to the tone color changing instruction data. (Col. 3 line 55 through Col. 4 line 10) Suzuki teaches that decoding the compressed waveform

data into waveform data in a pulse code modulation format. (Col. 6 lines 49-59) Suzuki teaches a second storage that is for waveform data in the pulse code modulation format decoded by the first decoder. (Col. 3 lines 35-46 and Col. 6 lines 49-59)

Regarding claim 2, Suzuki teaches a tone generator system with a section that is responsive to sounding instruction data included in the musical composition data to be reproduced by generating musical tones based on the waveform data in the pulse code modulation format stored in the second storage. (Col. 2 line 58 through Col. 3 line 8 and Col. 6 lines 49-59)

Regarding claim 3, Suzuki teaches a tone generator system with a second waveform storage capable of storing waveform data inputted by a user. (Col. 7 line 57 through Col. 8 line 20)

Regarding claim 4, Suzuki teaches a tone generator system with a decoder that is capable of decoding compressed audio stream data inputted from an external device. (Col. 8 lines 10-20 and Fig. 1)

Regarding claim 5, Suzuki teaches a tone generating method including a decoding step for reading data from the first compressed waveform storage to at least one tone color changing instruction data included in musical composition data to be reproduced. (Col. 3 line 55 through Col. 4 line 10) Suzuki teaches decoding the readout compressed waveform data into pulse code modulation format according to tone color changing instruction data. (Col. 3 line 47 through Col. 4 line 10 and Col. 6 lines 49-59)

Regarding claim 6, Suzuki teaches a program for executing a tone generating method stored in a medium readable by a computer. (Col. 8 lines 1-9) Suzuki teaches a first decoder that responds to tone color changing instruction data included in musical composition data to be reproduced by reading out from the first storage, a compressed waveform data corresponding to the tone color changing instruction data. (Col. 3 line 55 through Col. 4 line 10 and Col. 8 lines 1-9) Suzuki teaches that decoding the compressed waveform data into waveform data in a pulse code modulation format. (Col. 6 lines 49-59) Suzuki teaches a second storage that is for waveform data in the pulse code modulation format decoded by the first decoder. (Col. 3 lines 35-46 and Col. 6 lines 49-59)

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6,549,767 to Kawashima dealing with a telephone device capable of reproduction sound data.

US-6,731,723 to Garey regarding a multi-line recording device with reduced processing and storage requirements.


US-6,242,681 to Daishoji regarding a waveform reproduction device and method of reproduction from compressed waveform samples.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (703)305-0810. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS
1/4/2005


GEORGE ENG
PRIMARY EXAMINER